REMARKS

This Response is submitted in reply to the Office Action dated February 5, 2007 in conjunction with the enclosed Request for Continued Examination. Claims 23, 25, 26, 29, 35, 41, 45, 50, 52 to 54, 56, 58 and 62 have been amended. The disclosure for certain of these amendments can be found at least on page 17, lines 12 to 27 of the specification as originally filed. No new matter has been added by way of these amendments.

A Petition for a Two-Month Extension of Time is submitted herewith. The Commissioner is hereby authorized to charge deposit account 02-1818 all fees which are due and owing in connection with this Response.

The Office Action rejected: (a) Claims 23, 27, 29-30, 33, 35-36, 38, 40-42, 45-46 and 48 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,439,993 to O'Halloran ("O'Halloran"); (b) Claims 24-26, 28, 31-32, 34, 37, 39, 43-44, 47 and 49 under 35 U.S.C. § 103(a) as being unpatentable over O'Halloran in view of Applicant admitted prior art; and (c) Claims 50 to 51, 54 to 56 and 58 to 65 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,251,013 to Bennett ("Bennett"). Applicants disagree with each of such rejections. However, to place the application in condition for allowance and for purposes of clarity, Applicants have amended certain of the claims.

The Office Action states that the "Applicant's claims are direct[ed] to a device enacting a method of determining a game outcome. If the Applicant intends for these limitations to be considered as possible distinguishing features of their claimed invention they must be appropriately presented within the confines of a method type claims." Applicants are unclear as to which specific language is of concern, and Applicants disagree with such conclusion. Nonetheless, to advance the prosecution of this application, Applicants have amended certain of the claims by replacing "operable" with "programmed." For at least this reason, Applicants submit that such claims are not directed to a device enacting a method of determining a game outcome.

A.   Rejection of Claims 23, 27, 29-30, 33, 35-36, 38, 40-42, 45-46 and 48

Claim 23 recites, among with other elements, " ... the processor programmed to: (a) receive an input signal from the input device, the input signal corresponding to at least one selection of at least one of the locations of the reels; ... (c) in response to an occurrence of the triggering event: (i) cause the display device to visually distinguish the at least one selected location; (ii) cause any of the first symbols displayed at said at least one selected location to have the wild function; (iii) determine if any of the winning conditions are present, taking into account any wild function of any of the first symbols displayed at said at least one selected location; ... ."

Claim 29 recites, among with other elements, " ... the processor programmed to: (a) receive an input signal from the input device, the input signal corresponding to at least one selection of at least one location of a plurality of locations of the reels; (b) cause the first and second groups of symbols to be displayed after the reels stop spinning; and (c) after a designated event occurs: (i) apply a wild function to at least a first one of the symbols in the first group after said first symbol is displayed at the at least one selected location, the first symbol being positioned on a first one of the pay lines, wherein the wild function is: (x) operable on at least one of the other symbols of a different type than the first symbol, the other symbol being within the first or second group, and (y) inoperable on one or more of the symbols in the second group, said one or more symbols being positioned along a second one of the pay lines, ..."

Claim 35 recites, among with other elements, " ... the processor programmed to: (a) receive an input signal from the input device, the input signal corresponding to at least one selection of at least one location of a plurality of locations of the reels; (b) cause the first and second combinations of symbols to be displayed after the reels stop spinning; and (c) after a designated event occurs: (i) assign at least one of the characteristics to at least one of the symbols in the first combination after said symbol is displayed at the at least one selected location, said symbol being positioned on a first one of the pay lines, wherein the assigned characteristic: (x) is different from the characteristic of said symbol, (y) includes the characteristic of at least one of the other symbols, and (z) excludes the characteristic of one or more of the symbols in the

23

second combination, said one or more symbols being positioned along a second one of the pay lines, ..."

Claim 41 recites, among with other elements, " ... (a) receiving at least one input from a player corresponding to a selection of at least one location of at least one reel of a plurality of reels; ... (d) after a designated event occurs: (i) applying a wild function to at least a first one of the symbols in the first group after said symbol is displayed at the at least one selected location, the first symbol being positioned on a first one of the pay lines, wherein the wild function is: (x) operable on at least one of the other symbols of a different type than the first symbol, the other symbol being within the first or second group, and (y) inoperable on one or more of the symbols in the second group, said one or more symbols being positioned along a second one of the pay lines; ... ."

Claim 45 recites, among with other elements, " ... (a) receiving at least one input from a player corresponding to a selection of at least one location of at least one reel of a plurality of reels; ... (d) after a designated event occurs: (i) assigning at least one of the characteristics to at least one of the symbols in the first combination after said symbol is displayed at the at least one selected location, said symbol being positioned on a first one of the pay lines, wherein the assigned characteristic: (x) is different from the characteristic of said symbol, (y) includes the characteristic of at least one of the other symbols, ..."

Applicants submit that O'Halloran does not disclose the subject matter defined by any of the claims described above. O'Halloran does not disclose the selection elements alone or in combination with the other elements of the claims. Specifically, O'Halloran does not disclose a processor programmed to receive an input signal from the input device, the input signal corresponding to at least one selection of at least one of the locations of the reels or other similar elements in combination with the above elements. Accordingly, Applicants respectfully submit that Claims 23, 27, 29-30, 33, 35-36, 38, 40-42, 45-46 and 48 are patentable over O'Halloran and are in condition for allowance.

B. The rejection of Claims 24-26, 28, 31-32, 34, 37, 39, 43-44, 47 and 49

Claim 23 recites, among with other elements, " ... the processor programmed to: (a) receive an input signal from the input device, the input signal corresponding to at least one selection of at least one of the locations of the reels; ... (c) in response to an occurrence of the triggering event: (i) cause the display device to visually distinguish the at least one selected location; (ii) cause any of the first symbols displayed at said at least one selected location to have the wild function; (iii) determine if any of the winning conditions are present, taking into account any wild function of any of the first symbols displayed at said at least one selected location; ... ."

Claim 29 recites, among with other elements, " ... the processor programmed to: (a) receive an input signal from the input device, the input signal corresponding to at least one selection of at least one location of a plurality of locations of the reels; (b) cause the first and second groups of symbols to be displayed after the reels stop spinning; and (c) after a designated event occurs: (i) apply a wild function to at least a first one of the symbols in the first group after said first symbol is displayed at the at least one selected location, the first symbol being positioned on a first one of the pay lines, wherein the wild function is: (x) operable on at least one of the other symbols of a different type than the first symbol, the other symbol being within the first or second group, and (y) inoperable on one or more of the symbols in the second group, said one or more symbols being positioned along a second one of the pay lines, ..."

Claim 35 recites, among with other elements, " ... the processor programmed to: (a) receive an input signal from the input device, the input signal corresponding to at least one selection of at least one location of a plurality of locations of the reels; (b) cause the first and second combinations of symbols to be displayed after the reels stop spinning; and (c) after a designated event occurs: (i) assign at least one of the characteristics to at least one of the symbols in the first combination after said symbol is displayed at the at least one selected location, said symbol being positioned on a first one of the pay lines, wherein the assigned characteristic: (x) is different from the characteristic of said symbol, (y) includes the characteristic of at least one of the other symbols, and (z) excludes the characteristic of one or more of the symbols in the

25

second combination, said one or more symbols being positioned along a second one of the pay lines, ..."

Claim 41 recites, among with other elements, " ... (a) receiving at least one input from a player corresponding to a selection of at least one location of at least one reel of a plurality of reels; ... (d) after a designated event occurs: (i) applying a wild function to at least a first one of the symbols in the first group after said symbol is displayed at the at least one selected location, the first symbol being positioned on a first one of the pay lines, wherein the wild function is: (x) operable on at least one of the other symbols of a different type than the first symbol, the other symbol being within the first or second group, and (y) inoperable on one or more of the symbols in the second group, said one or more symbols being positioned along a second one of the pay lines; ... ."

Claim 45 recites, among with other elements, " ... (a) receiving at least one input from a player corresponding to a selection of at least one location of at least one reel of a plurality of reels; ... (d) after a designated event occurs: (i) assigning at least one of the characteristics to at least one of the symbols in the first combination after said symbol is displayed at the at least one selected location, said symbol being positioned on a first one of the pay lines, wherein the assigned characteristic: (x) is different from the characteristic of said symbol, (y) includes the characteristic of at least one of the other symbols, ..."

Applicants submit that O'Halloran does not disclose the subject matter defined by any of the claims described above. O'Halloran does not disclose the selection elements alone or in combination with the other elements of the claims. Specifically, O'Halloran does not disclose a processor programmed to receive an input signal from the input device, the input signal corresponding to at least one selection of at least one of the locations of the reels or other similar elements in combination with the above elements. Accordingly, Applicants respectfully submit that Claims 24-26, 28, 31-32, 34, 37, 39, 43-44, 47 and 49 are patentable and are in condition for allowance.

C.   Rejection of Claims 50 to 51, 54 to 56 and 58 to 65

Bennett discloses to a slot machine which includes a main game having a plurality of rotatable reels including symbols, as shown in Fig. 1. If a trigger condition occurs in the game, a game feature is initiated (Col. 4, lines 6 to 17). The trigger condition "may be the random display of a certain symbol or combination of symbols, or it may be a separate random prompt unrelated to the display, depending on how the game is programmed." In one embodiment, after the triggering condition occurs, a sprite or fairy 110 holding a wand 120 appears at the top of the display screen (See Fig. 3). The sprite moves to a randomly selected symbol on the display screen and designates one or more symbols displayed on the display to be treated as special symbols for that particular game. The slot machine then provides the player with an award for any winning symbol combinations including the designated symbol selected by the sprite. The winning symbol combinations may be scattered over more than one of the rows of symbols. In one embodiment, the randomly designated symbol may change into a new symbol.

In one embodiment, referring to Fig. 4 of Bennett, the sprite 110 selects symbol 130 using the wand 120. The symbol 130 represents a King, and therefore, the slot machine provides an award to the player for any winning symbol combinations including a King (the selected special symbol). As shown in Fig. 4, five Kings are displayed, and therefore, the slot machine provides an award for this winning combination of symbols.

In another embodiment disclosed in Bennett, if a trigger condition occurs, the sprite moves to a randomly selected symbol on the screen and designates it as being a wild card symbol by pointing to it with the wand. A win is paid according to the scorecard rules of the main part of the game if this wild card symbol forms part of a winning combination. For example, in Fig. 5, a sprite appears on the screen holding a wand and designates the Jack 120 to act as a wild card symbol. The Jack acts as a wild card symbol and a win is paid if this Jack 120 forms part of a winning combination.

Applicants disagree with the rejection of Claims 50 to 51, 54 to 56 and 58 to 65 as being unpatentable over Bennett. The Office Action alleges that "[i]t would have been obvious to one of ordinary skill in the art at the time of invention to have

incorporate[d] the wild symbol embodiment and the scatter symbol embodiment of Bennett into a singular embodiment in order to increase the number of combinations resulting in a win as taught by Bennett." Applicants respectfully disagree with this conclusion. In Bennett, the two embodiments are separate and distinct. The Office Action fails to articulate how the two embodiments would be combined without destroying the principle of operation of the disclosure. For at least these reasons, Applicants respectfully disagree with these rejections.

However, in order to advance the prosecution of this application, Applicants have amended certain of the claims.

Claim 50 recites, among with other elements, " ... the processor programmed to: (a) receive an input signal from the input device, the input signal corresponding to at least one selection of at least one of the locations of the reels; ... (c) after a designated event occurs: (i) cause the display device to visually distinguish said at least one selected location; (ii) cause any of the symbols displayed at said at least one selected location to have a wild function, the wild function being: (x) operable on a first one or more of the symbols in the displayed combination, (y) inoperable on one or more of the other symbols, and (z) operable to increase a likelihood of meeting the winning condition; ... ."

Claim 54 recites, among with other elements, " ... the processor programmed to: (a) receive an input signal from the input device, the input signal corresponding to at least one selection of at least one of the locations of the reels; (b) cause one of the combinations of symbols to be displayed after the reels stop spinning; and (c) after a designated event occurs: (i) assign at least one of the characteristics to at least a first one of the symbols in the displayed combination after said symbol is displayed at the at least one selected location, wherein the assigned characteristic: (x) is different from the characteristic of the first symbol, (y) is identical to the characteristic of at least a second one of the symbols, and (z) excludes the characteristic of at least a third one of the symbols; ... ."

Claim 58 recites, among with other elements, " ... a processor programmed to: (a) receive an input signal from the input device, the input signal corresponding to at

least one selection of at least one of the locations of the reels; ... (f) in response to the determined combination being a non-winning combination, determine whether the symbol positioned at the at least one selected location is of a first type or a second type; ... (g) in response to the symbol positioned at the at least one selected location being of the second type: (i) treat said symbol as wild, (ii) determine whether the winning combination occurs based on the wild treatment of said symbol, ..."

Claim 62 recites, among with other elements, " ... a processor programmed to: (a) receive an input signal from the input device, the input signal corresponding to at least one selection of at least one of the locations of the reels; ... (f) in response to said symbol being of the second type and said symbol being displayed in said at least one selected location: (i) treat said symbol as wild, (ii) determine whether the winning combination occurs based on the wild treatment of said symbol, (iii) provide the winning outcome if the winning combination occurs, ..."

Applicants submit that Bennett does not disclose the subject matter defined by any of the claims described above. Bennett does not disclose the selection elements alone or in combination with the other elements of the claims. Specifically, Bennett does not disclose a processor programmed to receive an input signal from the input device, the input signal corresponding to at least one selection of at least one of the locations of the reels in combination with the above elements. Accordingly, Applicants respectfully submit that claims 50 to 51, 54 to 56 and 58 to 65 are patentable over Bennett and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions related to this Response, Applicants respectfully submit that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY _____

Renato L. Smith
Reg. No. 45,117
Cust. No. 29159

Dated: June 29, 2007